IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21915 of 2004

Between:

Smt.S.Padmmamma W/o.Samuel
R/o.Pothireddypalli Village, Sanga Reddy (M),
Medak District.

..... PETITIONER

AND

1 The District Collector (CS),
Sanga Reddy, Medak Dist.
2 The Revenue Divisional officer,
Sangareddy, Medak dist.
3 The Mandal Revenue Officer
Sanga Reddy, Medak Dist.

4 D.Veeranna, S/o.D.Nagappa,

aged 38 years, R/o.H.No.9-50,

Housing Board Colony, Pothireddypally Village,

Sanga Reddy Mandal, Medak District.

5 K.Sandhya Rani, D/o. K.Shankarappa,

aged 30 years, R/o. Housing Board Colony,

Pothireddypally Village, Sanga Reddy Mandal,

Medak District.

(Respondents 4 and 5 are impleaded as per Court Order,

dated 20.01.2005 in W.P.M.P.30437 of 2004)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of mandamus by declaring impugned action of the respondents in bifurcating the Fair Price Shop of Pothireddypalli village as illegal, arbitrary and unconstitutional and consequently set-aside the impugned notice in proceedings No.B/2822/2004 dt 17-11-2004 issued by the respondents.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES

Counsel for the Respondents 4 and 5: Mr.S.Sudeep Reddy

The Court, at the stage of admission, made the following :

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ORDER:

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Petitioner is a dealer of the fair price shop of Pothireddypalli Village, Sanga Reddy Mandal, Medak District. The shop was bifurcated. She challenges the notice, dated 17.11.2004, through which the 2nd respondent invited applications for appointment of dealer, for the shop, which is created by bifurcating the existing fair price shop. She contends that the procedure prescribed by law for bifurcation, particularly with reference to ensuring the minimum number of cards for each shop; and economic viability etc., has not been followed.

On behalf of respondents 1 to 3 as well as respondent No.4 it is stated that the existing fair price shop was bifurcated to enable proper distribution of essential

commodities to the card holders and no provision, as such, was violated in the process.

Heard the learned counsel for petitioner, the learned Government Pleader for Civil Supplies and the learned counsel for 4th respondent.

The impugned notification is a sequel to the order, dated 24.08.2004, passed by the 1st respondent bifurcating the existing fair price shop. Petitioner has not challenged the same, obviously because she was not aware of it. The necessity to examine the question as to whether the respondents 1 to 3 have followed the relevant guidelines in the matter of bifurcation of existing fair price shop would arise, if only the order of bifurcation is challenged. It is impermissible for this Court, in this writ petition, to deal with that aspect. Though learned counsel for the petitioner had urged due publicity was not given to the impugned notification etc., it cannot be gone into in this writ petition, because the petitioner is not an intending applicant, for the shop.

For the foregoing reasons, the writ petition is dismissed leaving it open to the petitioner to challenge the order of bifurcation, if she is so advised. No order as to costs.

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(L.NARASIMHA REDDY,J)

Date: 20-01-2005

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To

1 The Dist Collector (CS),
Sanga Reddy, Medak Dist.
2 The Revenue Divisional officer,
Sangareddy, Medak dist.
3 The Mandal Revenue Officer
Sanga Reddy, Medak Dist.

4 2CCs to the G.P for Civil Supplies, High Court Buildings,

Hyderabad(O.U.T).

5 2CD copies